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QUICKEN LOANS INC.

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION**

AMANDA HILL, individually and on behalf of all others similarly situated,

**Plaintiff,**

V.

18 || QUICKEN LOANS INC..

**Defendant.**

Case No. 5:19-cv-00163-FMO-SP

**REQUEST FOR JUDICIAL NOTICE  
IN SUPPORT OF QUICKEN LOANS  
INC.'S MOTION TO DISMISS  
PLAINTIFF'S COMPLAINT**

Date: April 25, 2019  
Time: 10:00 a.m.  
Courtroom: 6D  
Judge: Hon. Fernando M. Olguin  
350 W. 1st Street, 6th Floor,  
Los Angeles, CA 90012

Filed concurrently with:

1. Notice of Motion and Motion;
  2. Memorandum;
  3. Declaration of Amy Griffin; and
  4. Proposed Order

## **REQUEST FOR JUDICIAL NOTICE**

Pursuant to Federal Rule of Evidence 201 and supporting case law, Defendant  
QUICKEN LOANS INC. (“Quicken Loans”) respectfully requests that in  
considering its Motion to Dismiss Plaintiff’s Complaint (“the Motion”), this Court  
take judicial notice of the following document:

1. **Exhibit A** to the concurrently filed Declaration of Amy Griffin (“Griffin Declaration”), which is a true and correct copy of a government record publicly available on the Federal Trade Commission’s website at <https://www.donotcall.gov/confirm/conf.aspx> and retrieved on March 14, 2019. The significance of this document is explained in the Memorandum in Support of the Motion to Dismiss (at pp. 3-5).

This request is based upon the accompanying Memorandum of Points and Authorities in support, the document submitted as Exhibit A to the Griffin Declaration, the pleadings and papers on file, and upon any additional argument or evidence permitted at the hearing on Quicken Loans' Motion to Dismiss.

Respectfully submitted,

Dated: March 18, 2019

By: /s/ Brooks R. Brown  
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**Attorneys for Defendant:  
QUICKEN LOANS INC.**

1                   **MEMORANDUM OF POINTS AND AUTHORITIES**

2                   A Court may properly consider documents subject to judicial notice in  
3 deciding a motion to dismiss. *See Outdoor Media Group, Inc. v. City of Beaumont*,  
4 506 F.3d 895, 899 (9th Cir. 2007). Documents outside of the complaint that are  
5 capable of accurate and ready determination by resort to sources whose accuracy  
6 cannot reasonably be questioned are proper for judicial notice. Fed. R. Evid.  
7 201(b)(2). Relevant here, this Court may take judicial notice of public records  
8 available on government websites. *E.g., Coppes v. Wachovia Mortg. Corp.*, No. 10-  
9 1689, 2010 WL 4483817, at \*2-3 (E.D. Cal. Oct. 29, 2010). Federal Rule of  
10 Evidence 201 also permits this Court to take judicial notice of factual information  
11 found on websites not subject to reasonable dispute and “capable of accurate and  
12 ready determination by resort to sources whose accuracy cannot reasonably be  
13 questioned.” *E.g., Ebrahimi v. Mentor Worldwide LLC*, 2017 WL 4128976, at \*1  
14 (C.D. Cal. Sept. 15, 2017) (Gee, J.) (citing Fed. R. Evid. 201(b)). “This is  
15 particularly true of information on government agency websites, which have often  
16 been treated as proper subjects for judicial notice.” *Paralyzed Veterans of Am. v.*  
17 *McPherson*, No. 06-4670, 2008 WL 4183981, \*5-6 (N.D. Cal. Sept. 9, 2008); *Arthur*  
18 *v. United Indus. Corp.*, No. 17-06983, 2018 WL 2276636, at \*4 (C.D. Cal. May 17,  
19 2018) (Snyder, J.). (“The Court may take judicial notice of publicly available  
20 information found on a government agency’s website.”).

21                   The document in this request is a matter of public record and is proper for  
22 judicial notice because it originated from the FTC’s website and is capable of  
23 accurate and ready determination from that source. Exhibit A to the Griffin  
24 Declaration is an automated email generated by the FTC’s National Do Not Call  
25 Registry verification website, <https://www.donotcall.gov/confirm/conf.aspx>. This  
26 website allows ready confirmation of whether any phone number has been  
27 registered on the National Do Not Call Registry by typing in that phone number and  
28 providing an email address at which the website can send the verification

1 information. Exhibit A to the Griffin Declaration shows that, according to the  
2 FTC's publicly available National Do Not Call Registry, the phone number ending  
3 in -9785 that is the subject of Plaintiff's claims was registered on the National Do  
4 Not Call Registry on November 18, 2018. Quicken Loans seeks judicial notice of  
5 Exhibit A to the Griffin Declaration, which confirms that the subject phone number  
6 ending in -9785 was first registered on the National Do Not Call Registry on  
7 November 18, 2018. *Arthur*, 2018 WL 2276636, at \*4 (granting request for judicial  
8 notice of documents "originat[ing] from the FTC's website"); *Paralyzed Veterans of*  
9 *Am.*, 2008 WL 4183981, \*5-6 (taking judicial notice of information appearing on  
10 and printed from official government websites); *Coppes*, 2010 WL 4483817, at \*2  
11 (taking judicial notice of Federal Deposit Insurance Corporation profile and history  
12 of Wachovia from the FDIC's official website); *Ebrahimi*, 2017 WL 4128976, at \*1  
13 (taking judicial notice of defendant's pre-market approval from the Food and Drug  
14 Administration); *Erickson v. Boston Sci. Corp.*, 846 F. Supp. 2d 1085, 1088–89  
15 (C.D. Cal. 2011) (taking judicial notice of various approval documents for cardiac  
16 pacemakers that were published either in the Federal Register or online by the Food  
17 and Drug Administration); *Gens v. Wachovia Mortg. Corp.*, No. 10–01073, 2010  
18 WL 1924777, at \*2 (N.D. Cal. May 12, 2010) (taking judicial notice of a letter  
19 issued by the Office of Thrift Supervision confirming World Savings' request to  
20 change its name to Wachovia, "as it 'is capable of accurate and ready determination  
21 by resort to sources whose accuracy cannot reasonably be questioned'"') (quoting  
22 Fed. R. Evid. 201(b)(2)).

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## **CONCLUSION**

For the forgoing reasons, Quicken Loans respectfully requests that this Court take judicial notice of Exhibit A and the factual information described therein, which is attached to the Declaration of Amy Griffin in support of Quicken Loans' Motion to Dismiss the Complaint, filed contemporaneously hereto.

Respectfully submitted,

Dated: March 18, 2019

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